IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

FRIDAY, THE 2ND NOVEMBER 2007 / 11TH KARTHIKA 1929

WP(C).No. 22993 of 2007(K)

PETITIONER:
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1. T.VIJAYAN,
NIKARTHIL HOUSE, WARD NO.2, CHERTHALA SOUTH PANCHAYATH, THYCAL P.O., ALAPPUZHA.

2. SMT. CHANDRIKA VIJAYAN,
NIKARTHIL HOUSE, WARD NO.2, CHERTHALA SOUTH PANCHAYATH, THYCAL P.O., ALAPPUZHA.

BY ADV. SRI.P.N.MOHANAN

RESPONDENTS:
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1. CO-OPERATIVE AGRICULTURAL & RURAL DEVELOPMENT BANK LTD.NO.A 327, CHERTHALA, ALAPPUZHA, REPRESENTED BY ITS SECRETARY.

2. SPECIAL SALE OFFICER (SENIOR INSPECTOR OF CO-OP. SOCIETIES), TO CO-OPERATIVE AGRICULTURAL & RURAL DEVELOPMENT BANK, CHERTHALA, ALAPPUZHA.

3. SHRI. JAYAPRAKASAN @ MILMA PRAKASH,
NAMBISSERIL HOUSE, ARTHUNGAL P.O., CHERTHALA, ALAPPUZHA.

BY ADV. SRI.S.P.ARAVINDAKSHAN PILLAY
SMT.N.SANTHA
SRI.V.L.SHENOY
SRI.L.JAYAWANTH
GOVT. PLEADER SRI.P.K.RAVIKRISHNAN

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 02/11/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1	**TRUE COPY OF THE NOTICE DTD. 17-05-07 ISSUED TO THE PETITIONER.**
EXT.P2	**TRUE COPY OF THE PUBLIC NOTICE DTD. 13-07-07 RECEIVED BY THE PETITIONERS.**
EXT.P3	**TRUE COPY OF THE NOTICE DTD. 19-07-07 SENT BY THE PETITIONERS TO THE SECOND RESPONDENT.**
EXT.P4	**TRUE COPY OF THE ENDORSEMENT GIVEN BY THE SECRETARY DTD.31-08-07.**

FIRST RESPONDENT'S EXHIBITS

EXT.R1(A)	**TRUE COPY OF THE NOTICE DTD. 9-12-04 ISSUED TO THE FIRST PETITIONER.**

THIRD RESPONDENT'S EXHIBITS

EXT.R3(A)	**COPY OF RECEIPT NO.10360 DTD. 13-07-07 FOR RS. 67500/- ISSUED BY THE FIRST RESPONDENT.**
EXTR3(B)	**COPY OF RECEIPT NO.11101 DTD. 26-07-07 FOR RS. 382500/- ISSUED BY THE FIRST RESPONDENT.**

/True Copy/

PA to Judge.

K.M.JOSEPH, J.

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W.P.(c).No.22993 OF 2007

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Dated this the 2nd day of November, 2007

JUDGMENT

Petitioner availed a loan. There is default. Respondent Bank brought the property to sale. It is purchased by the third respondent.

I heard learned counsel for the parties. Learned counsel for the third respondent would point out that the property was purchased and an amount of Rs. 4,50,000/- has been deposited. He would further submit that if the amount deposited by the third respondent is returned to him and the petitioner pays a substantial sum as compensation, third respondent does not seriously resist forgoing his rights under the sale. Learned counsel for the petitioner submits that petitioner will pay off the entire amount due on or before 17/11/2007. Learned counsel for the petitioner also submits that he will pay as compensation a sum of Rs. 27,000/- (Rupees twenty seven thousand) to the third respondent within fifteen days from today.

In the light of the above submissions, the writ petition is

disposed of as follows:

If the petitioner remits the amount due to the Bank on or before 17/11/2007 and also pays a sum of Rs. 27,000/- (Rupees twenty seven thousand) to the third respondent within the said period, the sale in favour of the third respondent will not be confirmed. If on the other hand, the amounts as mentioned are not paid within the time stated in the judgment, the sale in favour of the third respondent can be confirmed in accordance with law. On receipt of the amount due from the petitioner, the amount deposited by the third respondent will be forthwith returned to the third respondent by the respondent-Bank.

(K.M.JOSEPH, JUDGE)

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